

**ORIGINAL**

United States District Court  
for the Middle District of Pennsylvania

Civil No. 1:00-CV-0775

(Judge Kane)

(Magistrate Judge Smyser) ✓

Dale Arnold, Petitioner

v

Frederick Frank

Bradford County District

Attorney General of the

Commonwealth of Pennsylvania.

Respondents

**FILED**  
HARRISBURG, PA

JUL 25 2000

MARY E. DIANDREA, CLERK  
Per 

Petitioner's Traverse in Answer to the Commonwealth's  
Response to Petition for Writ of Habeas Corpus

---

Petitioner's Traverse in Answer to the Commonwealth's  
Response to Petition for Writ of Habeas Corpus

Now comes Petitioner answers to Respones's replys.  
Petitioner feels that he did raise all claims, and that the Petitioner  
does not understand the Commonwealth reasoning in such an argument.  
Petitioner asked of his Counsel on Direct Appeals and at Post  
Conviction Hearing, that all Issues were fully presented to state court.  
Now if the Commonwealth is claiming in its response that Petitioner's  
Counsel on his Direct Appeal and Post-Conviction Proceeding Ineffective  
Petitioner would concur.

Now on grounds 1 and 2. -5 and 6.  
Conviction obtained by the knowing use of False Testimony and  
the False Identification of the Killers.  
The Killers Identification. False Statements.  
And 2 Ground Six, Conviction was obtained by the District Attorneys  
Office by making Deals and Immunity Deals with Criminals for  
No Charges.

The law is firmly established that the Fourteenth Amendment to  
the Constitution of the United States cannot tolerate a State Criminal  
Conviction obtained by knowing use of False Evidence or improper  
manipulation of material evidence.  
Troedel v Wainwright, 667 F.Supp.1456,1458 (S.D.Fla.1996).  
Which is exactly what was done here.

This issues is briefly touched upon in Ground one, page 6, where the victim recanted her Identification, she changed her story, which is thinly touched upon in this issues. This victim lied, she changed her story, thats False Testimony, lies, fabrications, inconsistencies, perjury, unreliable witness, and a fraud. Petitioner took this statement and made an issue out of it. Just reworded it.

This issues is also touched upon in Ground 3 page 13 on Hypnosis, in the 3rd. paragraph, where State Police threatened the main witness, to arrest her if she didnt cooperate & testify, although she had perjured herself many times. Then Moran was hypnotized many times, got and attorney to protect her rights, and get an Immunity Deal from the D.A.

This issue is also touched upon in Ground 4, page 16, where the Main Victim was not able to identify the assadent on this case, as who the killer was.

This issue is also touched upon, on Informants, Ground 7, page 32, On Shamoun-a prison guard, can be termed as an agent of the police. Where he went to the Jail on his day off, to gain information on the Petitioner by listening in on his jail visits, and turning over this information to the State Police. Then Shamoun was caught in his lies, and recants part of his Testimony.

This issue is also touched upon on Ground 10 page 43, where Coyne-a Commonwealth witness states, Hush-up, which is an attempt to fabricate a false statement threw lies, and false hoods.

This issue is briefly touched upon in Ground One of Wibt of Habass Corpus on page four (or-37), 2nd. paragraph on protecting under cover agents and Informants, and page 5 on witness. The issues are there, Petitioner just worded it differently.

This issue is also touched upon in Ground 3 page 47 in Superior Court Appeal Brief, Informantents-this issue is touched upon Petitioner Father, cooperative in the past- which means Informant.

Now 3, Ground 12, Conviction obtained by the Jury seeing the Petitioner in Hand Cuffs.

Petitioner told his past Attorneys to raise this issue in the lower courts. I thought they did. But due to the many shake-downs here, Petitioner cannot find it. Legal materials and property get thrown out without Petitioner knowledge.

Now 4, Ground 13. The Petitioner Attorney failed and the courts failed to Protect Petitioners Constitutional Rights, because none asked for, or gave Cautionary Instructions to the Jury. This issue is touched upon in Ground 8 page 85, where the court did issue Cautionary Instructions on this issue, but none other, on Prejudicial Testimony, where other testimony, the Judge did not give Cautionary Instructions.

Just because no Cautionary Instructions were given in Petitioners Trial, but this issue was brought up in a Post Conviction hearing on May of 1994, and just because the courts did not address it does not mean that it was not fairly presented in a Post conviction hearing incorporated by counsel. This issue was heard by the court.

CONCLUSION,

With this Writ of Habeas Corpus, the Commonwealth has made no valid objections to it.

Wherefore, based upon the Foregoing, Petition, Arnold acting Pro-se Respectfully request that this Honorable Court grant this Petition of Writ of Habeas Corpus.

Respectfully Submitted,

Date July 18, 2000

P.R. Arnold

Dale Arnold

CERTIFICATE OF SERVICE

I, Dale Arnold, Hereby certify that I served a true and correct copy in the U.S. Mail system, to,

Stephen Downs, Esq.  
District Attorneys Office  
Bradford County Courthouse  
301 Main St.  
Towanda, Pa.  
18848

U.S. District Court  
Magistrate Judge Smyser  
Judge Kane  
228 Walnut St.  
P.O. Box 983  
Harrisburg, Pa.  
17108

Respectfully Submitted,

D. R. Arnold

Dale R. Arnold, Pro-se

July 18, 2000